

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Dennis Brown

Docket No. 5:11-CR-20-1D

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dennis Brown, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute Cocaine, in violation of 21 U.S.C. § 846, was sentenced in the Eastern District of Virginia by the Honorable James R. Spencer, U.S. District Judge, on September 17, 2004, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial cost to be paid by the defendant, all as directed by the probation officer.

Dennis Brown was released from custody on January 8, 2010, at which time the term of supervised release commenced in the Eastern District of North Carolina.

On September 7, 2010, the defendant tested positive for marijuana and the Eastern District of Virginia was notified, supervision was continued, and the transfer of jurisdiction was initiated. During the transfer process, the defendant was cited for Driving While License Revoked and the Eastern District of North Carolina was notified. Transfer of jurisdiction was finalized in the Eastern District of North Carolina on January 24, 2011.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 22, 2011, the defendant submitted a urine specimen which proved positive for marijuana. The defendant admits to the validity of the test results and indicates this is an isolated incident. His urine surveillance has been increased and his need for additional treatment is being assessed. As a punitive sanction for his use of an illegal substance, it is respectfully recommended, that his conditions of release be modified to include 60 days of home detention, supported by electronic monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

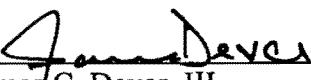
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: August 1, 2011

ORDER OF COURT

Considered and ordered this 2 day of August, 2011, and ordered filed and made a part of the records in the above case.



James C. Dever, III
U.S. District Judge